

Guide to the City of Boston's ENVIRONMENT DEPARTMENT

Air Pollution Control Commission
Boston Archaeology Program
Boston Conservation Commission
Boston Environmental Strike Team
Boston Harbor Islands National Park Area
Boston Landmarks Commission
and Historic Districts
CAT Environmental Compliance Team
MEPA Review Team



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City of Boston Environment Department

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Boston Conservation Commission

Urban run-off is a major component of pollution to the City's water bodies, including Boston Harbor. The Boston Conservation Commission is a leader in using the regulatory process to promote new and innovative mitigation measures such as "bio-swales" to filter surface water run-off, sewage pump-out facilities for recreational boaters, and oilgrit separators for paved areas. Public access to resource areas, including the waterfront is a priority. Public access increases awareness of our wetland resources and their vulnerability to pollution.

What is the Boston Conservation Commission (BCC)?

The Boston Conservation Commission (BCC) protects and preserves open space and other natural areas of the City, including wetlands. The BCC is authorized under the Massachusetts Wetlands Protection Act (M.G.L. c. 131 s. 40), the Massachusetts Rivers Protection Act (HB s. 18.26) and the Conservation Commission Act (HB s. 18.9).

The Commission administers the state's Wetlands Regulations by determining wetlands boundaries; reviewing and permitting projects proposed in or near Boston's wetlands and defined buffer areas; and by placing conditions on development projects that affect wetlands. Wetlands are vital to the City's natural environment and ecology. Wetlands are natural resources that contribute to water

supplies and quality; provide habitat to fin and shellfish; prevent flood and storm damage; provide wildlife habitat; and preserve open space and natural areas.

The Commission also protects specific environmentally-sensitive resources in the City including Boston Harbor; Charles, Chelsea, Neponset, Mystic and Muddy Rivers; Mother and Stony Brooks, Fort Point and Reserve Channels; Jamaica, Chandlers, Sprague, Mill, Wards, Leverett, and Turtle Ponds; Belle Isle Inlet and Marsh; and Constitution, Carson, Malibu, Tinean and Boston Harbor Island Beaches.

Who serves on the Boston Conservation Commission?

The BCC has seven Commissioners and an Executive Secretary, all appointed by the Mayor. Housed in the Environment Department, the Executive Secretary assists the Commission in administering the Wetlands Protection Act.

When do I need to get a permit from the BCC?

Work within 100 feet of a wetlands and floodplains area is under the jurisdiction of the Commission and requires a permit. The Conservation Commission holds public hearings to review permit applications on the first and third Wednesday of each month. The hearings also provide an opportunity for abutters and the public to comment on proposed work. Permit applications are available from Room 805, Boston City Hall.

Are there any fees for permits?

The Commission and the Massachusetts Department of Environmental Protection both require a fee to process a Notice of Intent to perform work. The following fees are payable to the City of Boston:

- \$25 for projects with a fair cost of \$1,000 or less.
- \$50 for projects with a fair cost of more than \$1,000 but not more than \$50,000.
- \$75 for projects with a fair cost of more than \$50,000 but not more than \$100,000.
- For projects with a fair cost of more than \$100,000 the fee shall be .075% of the fair cost provided, however, that in no case the fee shall be more than \$1,500.

What happens if I do not apply for or receive a permit?

The Commission can issue civil fines up to \$25,000 a day for unauthorized filling, dredging, or altering of wetlands.

Massachusetts Environmental Policy Act (MEPA) Reviews

By preparing comments on city and state environmental reviews, the City's MEPA Reviewer consolidates all of the City's concerns and identifies a cohesive City position during early stages in the development of major projects.

What is the MEPA Review Process?

The Massachusetts Environmental Policy Act (MEPA) and its regulations (310 CMR 11.00) are the Commonwealth's primary environmental review process.

What kinds of projects require review under the MEPA law?

MEPA applies to projects that government agencies conduct or that require state permits and because they exceed specified impact thresholds. Under MEPA regulations, project proponents file an Environmental Notification Form (ENF) that briefly describes the project and potential impacts. Further review identifies specific environmental impacts and potential solutions.

What is the City of Boston's role in the MEPA process?

The Environment Department employs a MEPA Reviewer who analyzes projects for potential environmental impacts in the City of Boston. The City, through the Boston Redevelopment Authority, may also review projects under Article 80 of the Zoning Code.

The reviewer's written comments identify potential impacts and, when appropriate, propose possible solutions. Projects reviewed include local industrial, commercial and residential development or redevelopment; local and regional transit and transportation projects; and new or amended local, state and federal rules and regulations. The size of a project generally determines whether environmental review is necessary and, if so, its extent.

MEPA reviews are done in conjunction with other city departments, including Transportation, and Parks Departments and Boston Water and Sewer Commission, and with the environmental review functions of the Environment Department. Environment Department review functions include the Air Pollution Control Commission, which comments on air quality, transportation, energy and noise impacts of development and infrastructure proposals and regulatory actions.

What are the recent changes to the MEPA process?

Revisions to MEPA regulations became effective July 1, 1998. Changes include certain regulatory thresholds that trigger an ENF or an Environmental Impact Report (EIR). Now, to reduce review time, project proponents may file an expanded ENF and request that an EIR not be required, or that a single EIR suffice instead of both Draft and Final EIRs. Also, for private projects that require state permits only, MEPA review is now limited to the subject matter of the state permit.

Revisions also clarify Notice of Project Change (NPC) requirements. They specify both criteria requiring an NPC and circumstances not requiring an NPC (such as project changes relating solely to ownership). State agencies are also obligated to review projects in detail during the MEPA process and to file written comments.

Boston Landmarks Commission

Perhaps more than any other American City, Boston respects its past. The Landmarks Commission serves as the steward of Boston's historic places, buildings and neighborhoods.

What is a landmark?

A landmark is a property (or properties) that has historical, social, cultural, architectural, or aesthetic significance to the City and the Commonwealth, New England or the nation.

What is the Boston Landmarks Commission?

In 1975, state legislation (Chapter 772, M.G.L. 1975 as amended) created the Boston Landmarks Commission (BLC). The BLC is the City of Boston's historic preservation agency. As such, it performs many functions. These include identifying and preserving historic properties; reviewing development and demolition activities proposed in the City; providing technical assistance and public information; and providing staff support to local historic districts.

How does the Landmarks Commission identify and protect historic properties?

Based on specific criteria and with the vote of the Commission, and approval of the Mayor and City Council, the BLC can designate individual properties or districts as Boston Landmarks. Approximately 7,000 Boston properties have Boston Landmark status, while 10,000 Boston properties are listed on the National Register of Historic Places and 1000 more are eligible.

The BLC also administers the National Register of Historic Places for Boston. A review by the Commission is required when projects for National Register properties involve federal or state funding, permitting or licensing.

The BLC maintains information on local Landmarks as well as those listed on the National Register of Historic Places and those recommended for designation or listing. The BLC also compiles development histories on the City's neighborhoods and has survey forms on individual historic buildings and places available at the office.

What role does the Landmarks Commission play with regard to development or demolition projects?

The BLC is often required under City, state, or federal laws, to comment upon proposed projects to determine whether there may be adverse effects on historic resources. The intent of these reviews is to avoid, minimize, or mitigate adverse

effects. These examinations are routinely conducted in conjunction with other agencies and reviews, including the Boston Redevelopment Authority project reviews, Massachusetts Environmental Policy Act (MEPA) reviews, and National and State Register reviews.

In addition, the BLC administers a Demolition Delay Program for the City. Article 85 of the Boston Zoning Code (known as Demolition Delay), requires review of proposed demolitions of historic buildings in the City of Boston. Under this provision, demolition can be delayed up to 90 days to allow a community to participate in discussions about alternatives when it is preferable to preserve the building.

How does the BLC Administer the Demolition Delay Program?

Applicants seeking a demolition permit should factor the time needed for review and possible delay into their project schedules. Commission staff review applications according to criteria set forth in Section 5 of Article 85. Within ten (10) days of submission, staff determine whether to allow a demolition permit to be issued or to schedule a hearing. If the property is determined *not* to be “significant,” no further review is necessary and Commission staff will issue a determination authorizing the Commissioner of Inspectional Services to issue a demolition permit. If the property is determined to be “significant,” the BLC will hold a public hearing within thirty (30) days to decide whether the property will be subject to demolition delay.

The BLC holds regular hearings on the second and fourth Tuesday of the month. Applications are available from the Landmarks Commission and must be submitted, in full, fourteen (14) days prior to a hearing date in order to be scheduled for the upcoming agenda. There is no fee required with submission for a demolition permit.

What kind of technical assistance can the Boston Landmarks Commission provide?

BLC staff can provide technical assistance and public information to neighborhood groups, property owners, developers, and other interested individuals or entities. Meetings and site visits can be arranged to answer specific questions about the preservation of specific properties or areas. Neighborhood brochures, information on designation and design review, survey and National Register materials, and other information are also available at the BLC office.

What are the Historic Districts?

Local historic districts in Boston are staffed by preservation planners of the Boston Landmarks Commission. Each has its own commissioner, appointed by the Mayor, and meets monthly. The local commissions are:

- **Back Bay Architectural Commission**
- **Bay State Road/Back Bay West Architectural Conservation District Commission**

- Bay Village Historic District Commission
- Beacon Hill Architectural Commission
- Mission Hill Triangle Architectural Conservation District Commission
- St. Botolph Area Architectural Conservation District Commission
- South End Landmark District Commission

Local historic district commissions must review and approve proposed exterior design changes to properties within historic districts. In some cases, when the proposed work is considered routine repair or maintenance, staff can issue administrative approval without a hearing. Local commissions do not have jurisdiction over use or occupancy of properties in the districts. Design review applications, application deadlines, hearing dates, specific district guidelines, and application fees may be obtained from district planners at the BLC office.

Air Pollution Control Commission

The City of Boston Air Pollution Control Commission protects the City's environmental health by enforcing the City's air and noise regulations, particularly by limiting the growth of parking facilities, promoting commuter mobility programs, and adding vanpool parking and bicycle storage.

What is the Boston Air Pollution Control Commission (APCC)?

Under Massachusetts law, cities and towns may regulate air pollution and noise locally. Local communities, through boards of health or other designated agencies, can regulate atmospheric (air) pollution where it threatens public health or is a nuisance. Municipalities can regulate noise, regardless of source, through boards of health or other designated agencies. The Boston Air Pollution Control Commission (APCC) was established in 1971 as the City's designated agency to address the growing issues of air and noise pollution. APCC is responsible for enforcing the City's regulations for the Control of Noise and for the Control of Atmospheric Pollution.

APCC staff also issues permits for abrasive blasting and chemical cleaning of buildings and structures. There is a \$25 fee for blasting permits.

Why do some Boston neighborhoods have parking freezes?

The City of Boston, through the APCC, administers parking freezes required by the Federal Clean Air Act. Freezes in three areas of Boston — Downtown, East

Boston, South Boston Parking Freezes – limit the number of parking spaces allowed. Those seeking an exemption from the parking freeze in these areas may submit an application for consideration by the APCC.

How can I get a parking freeze exemption?

The APCC can issue a permit exempting the applicant from the parking freeze. It is also authorized to issue a permit with *conditions* that ensure the applicant's parking use conforms with the City's environmental and transportation policies.

Where can I get copies of the regulations and permit applications?

Copies of APCC regulations and application forms for blasting permits or parking freeze exemptions are available from the Environment Department.

Boston Environmental Strike Team

The Boston Environmental Strike Team (BEST) comprised of inspectors from all of the City's Inspection Agencies and the Special Prosecution Unit of the Corporation Counsel's Office, coordinates public health, safety, and environmental law enforcement in the City of Boston.

What kinds of complaints does BEST investigate?

BEST investigate complaints received by local inspection agencies, local com-

munity groups, and members of the public. Investigations include complaints about unsafe and improperly maintained properties, such as illegal autobody and repair shops, illegal dumping of hazardous wastes, illegal solid waste transfer stations, and other nuisances that impair Boston's quality of life. BEST requires owners to bring their property into compliance and maintain their sites in accordance with applicable laws.

Boston Harbor Islands National Recreation Area

In November 1996, Congress established (P.L. 104-333 Section 1029) the Boston Harbor Islands as a unit of the National Park System to preserve the natural and cultural resources of Boston Harbor's 30 islands for public use and enjoyment. The park area includes landside points for access, visitor services, and administration.

Who owns and manages the islands in the Boston Harbor National Recreation Area?

The City of Boston owns Moon, Long and Rainsford Islands. Spectacle Island, once a dump, is jointly owned by the City and the state. After being capped with CA/T landfill, it will become a public park with beaches, a marina and spectacular views of the harbor and downtown. Other islands are owned by federal, state and non-profit entities. Through public-private partnerships, the City is seeking to integrate new uses with long-term uses on the islands. In addition to creating

the National Park Area, the legislation also established three entities – The Boston Harbor Islands Partnership, The Boston Harbor Islands Advisory Council, and the Islands Alliance — charged with its long-term management.

What is the Boston Harbor Islands Partnership?

The Boston Harbor Islands Partnership is a 13-member board named by the Secretary of the Interior. The board includes representation from the Boston Office of Environmental Services, Boston Redevelopment Authority, Massachusetts Department of Environmental Management, Massachusetts Port Authority, Massachusetts Water Resources Authority, Metropolitan District Commission, National Park Service, U.S. Coast Guard, Thompson Island Outward Bound Education Center and Trustees of Reservation. The Partnership coordinates federal, state, local authorities and the private sector in the development of a management plan for the park, which is due by the end of 1999.

What is the Boston Harbor Islands Advisory Council?

The Boston Harbor Islands Advisory Council is a 28-member group, representing the interests of municipalities, Native Americans, education and cultural institutions, environmental organizations, business and commercial entities, and Boston Harbor-related advocacy groups. Two members of Advisory Council also sit on the Boston Harbor Islands Partnership.

What is the Island Alliance?

Each Federal dollar appropriated to the Boston Harbor Islands National Park Area must be matched by three non-Federal dollars. The Island Alliance, a non-profit organization, is exclusively charged with raising funds from the business and philanthropic communities to support the park. Environment Department staff represent the City *ex officio* on the Island Alliance Board of Directors

Boston Archaeology Program

Boston's Archaeology Program connects residents to the City's rich prehistoric and historic past. Boston's schoolchildren get hands-on sessions with the past under the leadership of the City's Archaeologist.

Why does the City of Boston have an archaeology program?

There are many federal, state, and local laws that protect archaeological sites. Most prominent are the Antiquities Act of 1906 (16 U.S.C. 431-33), Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa-mm), Mass. Regs. 70.00 (State Archaeologist's permit regulations). The Archaeology Program preserves the archaeological legacy of Boston by protecting the City's collections of artifacts from historical sites and by making them accessible to the general public and researchers.

What does the City's archaeologist do?

The Boston Landmarks Commission employs an archaeologist who maintains the City's Archaeology Lab and manages the archaeological remains located on public and private land in Boston, and over 26 collections of historic artifacts of the Commonwealth of Massachusetts held by the City.

Can I visit Boston's Archaeology Lab?

The City's 4,000-square-foot Archaeology Laboratory, Education, and Curation Center is located in Boston's North End. Housed in the brick, gold-domed building that sits between the entrance to the Callahan and exit of the Sumner Tunnels, the lab is 200 feet from the Freedom Trail. The lab and collections are open to the public by appointment Monday through Friday, and on weekends for special events. The City offers other opportunities to experience Boston's archaeological legacy, including a hands-on artifact collection, an artifact washing station, a Native American ceramic workshop, and a simulated dig box.

How can I get involved with Boston's archaeology?

The Archaeology program encourages school and group programs and partnerships with agencies, educational institutions and corporations. A pilot camp, the result of a partnership with the New England Aquarium, will take place during 1999 on Long Island.

Central Artery Project

With the restoration of the City's surface streets and the traffic benefits of the Big Dig still in the future, the Environment Department helps protect quality of life during the massive construction project, particularly by enforcing regulations that protect residents living near the work from excessive noise and dust.

What is the role of the City of Boston in the Central Artery Project (CA/T)?

Joint Construction Management and Coordination Agreement - The Central Artery/ Tunnel (CAT) Project is unique in its magnitude and complexity. In anticipation of significant environmental impacts to residential and business communities, the project was established with authority to mitigate impacts. The City and Massachusetts Highway Department entered a Joint Construction Management and Coordination Agreement under which the City coordinates decisionmaking by monitoring and managing construction in areas impacted by the Project. The City also provides support services to CAT Projects, including specialized services from the Environment Department.

How is the City's Environment Department involved with CAT?

The Environmental Compliance Team oversees numerous environmental mitigation measures; issues permits; reviews CAT documents; resolves environmental complaints; and enforces environmental laws, regulations, and ordinances. The Team monitors and coordinates through the planning, design, and construction phases of the Project and reaches out to Boston's commercial and residential neighborhoods to preserve and enhance the quality of life.

How is the Environmental Compliance Team involved with the development of new open space and wildlife areas being created by the CAT Project?

Open space and wildlife habitat areas are being developed to compensate for construction impacts to the community and environment. Projects under way include Spectacle Island in Boston Harbor, which is being transformed from a landfill to a multi-use recreation area. The Charles River Basin Park System is also being developed and will extend Boston's Esplanade along the waterfront, to the Harbor.

Does the Environmental Compliance Team coordinate its efforts with other departments?

Under the direction of the Environment Department's Air Pollution Control Commission (APCC) and the Boston Conservation Commission (BCC), representatives of the Environmental Compliance Team work with other City departments and agencies to address and enforce air quality and wetlands protection laws pertaining to the CAT Project.

If I have dust, noise, or odor concerns about CAT, how can the Environment Department help me?

The Environmental Compliance Team is dedicated to working with Boston residents and CAT Project managers to implement community-based environmental mitigation plans and to minimize noise, dust, and odor levels in residential and commercial neighborhoods. The Environment Department's Air Pollution Control Commission and its agents respond to complaints concerning noise, dust, and odor from CAT Project construction. Because the Project also may impact coastal and wetland areas, the Boston Conservation Commission protects these resources through wetland permitting and enforcement activities.

Contacts for More Information

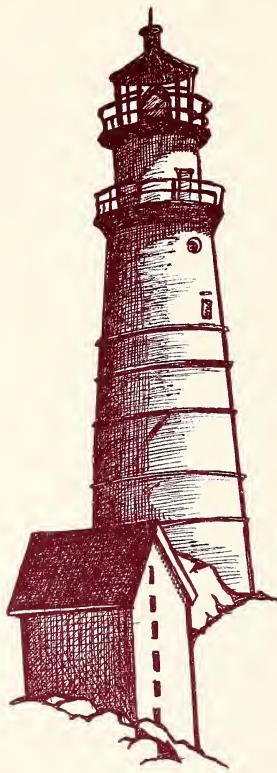
(All staff are located in the Environment Department at Room 805, Boston City Hall, Boston, MA 02201, Main Number – 617-635-3850).

Air Pollution Control Commission	617-635-4416
Archaeology Program	617-635-3850
Archaeology Lab	617-635-3097
Boston Conservation Commission	617-635-4417
Boston Harbor Islands National Park Area	617-635-3403
Boston Landmarks Commission	617-635-2510
Staff Architect	617-635-2513
Architectural Historian	617-635-2519
Back Bay Architectural Commission	617-635-2511
Bay State Road/Back Bay West Architectural Conservation District Commission	617-635-2511

Bay Village Historic District Commission	617-635-2511
Beacon Hill Architectural Commission	617-635-2514
Mission Hill Triangle Architectural Conservation District Commission	617-635-2514
St. Botolph Area Architectural Conservation District Commission	617-635-2512
South End Landmark District Commission	617-635-2512
CAT Environmental Compliance Team	617-635-2518 617-635-3611
MEPA Reviews	617-635-4421
Noise/Dust Complaints	617-635-4421

With Special Thanks to Cummiskey Consulting and Patricia A. Malone, Esq.,
Chief of Staff, Office of Environmental Services.

Since 1980, the dedicated volunteers who serve on Boston's environmental and preservation commissions work to protect the City's distinguished architecture and open spaces. Under the auspices of the Environment Department, these commissions collectively are responsible for protecting the physical and natural resources of the City of Boston. These commissions act independently within their areas of statutory responsibility. At the same time, the Environment Department is structured to maximize the efficient use of each commission's staff resources. In addition to its statutory responsibilities, the Environment Department is a chief contributor to City policies on environmental quality and issues related to



the cleanup of Boston Harbor, public access to waterfront areas and the Boston Harbor Islands National Park. The Department is an advisor to many neighborhood conservation and preservation groups. The Environment Department also manages the City's Archaeology Program. The Environment Department's activities show Mayor Menino's commitment to improving the quality of life for all Boston residents and stands ready to help Bostonians in all neighborhoods protect their heritage.

Environment Department
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